

Amendments to the Claims

The listing of claims will replace all prior versions, and listings of claims in the application.

1-13. (cancelled)

14. (currently amended) [A] The recombinant or isolated DNA molecule ~~according to~~ of claim [1] 29 operably linked to a DNA sequence encoding a product of interest.

15. (currently amended) [A] The recombinant or isolated DNA molecule ~~according to~~ of claim 14, wherein said product of interest is a protein, or a product which is able to regulate expression of a protein.

16. (currently amended) [A] The recombinant or isolated DNA molecule ~~according to~~ of claim 14 wherein said product, when expressed, affects a plant trait.

17. (currently amended) [A] The recombinant or isolated DNA molecule ~~according to~~ of claim 16, wherein the plant trait affected is any one of pathogen resistance, disease control, sterility, fertility or fruit ripening.

18. (currently amended) [A] The recombinant or isolated DNA molecule ~~according to~~ of claim 14 further comprising a marker gene.

19. (currently amended) A vector comprising the recombinant or isolated DNA molecule of claim [1] 29.

20. (previously presented) A host cell comprising the vector of claim 19.
21. (currently amended) [A] The host cell according to claim 20, wherein said host cell is a plant cell or a microbial cell.
22. (currently amended) A transgenic plant comprising at least one cell according to claim 21.
23. (currently amended) A method of identifying an agent capable of regulating the expression of a heterologous ~~genes~~ gene which ~~are~~ is operatively linked to ~~the promoter of claim 1,~~ a recombinant or isolated DNA molecule comprising an inducible pathogenesis-related protein gene promoter wherein said promoter is chosen from the group consisting of:
- i) a nucleic acid molecule having SEQ ID NO:1 that naturally drives the expression of a 21.3k Da protein in *Asparagus officinalis*,
 - ii) a nucleic acid molecule having a sequence 90% identical to SEQ ID NO:1, wherein said molecule is a promoter, whose expression is
 - a) induced by salicylic acid (SA) and by BTH (benzo (1,2,3) thiadiazole-7-carbothoic acid S methyl ester),
 - b) is not systemically activated by pathogen infection, and
 - c) exhibits minimal developmentally-regulated expression;
 - iii) a nucleic acid molecule that hybridizes under stringent conditions to any one of the molecules of i) or ii), wherein said molecule acts as an inducible promoter, whose expression is induced by SA and by BTH, is

not systemically activated by pathogen infection, and exhibits minimal developmentally-regulated expression; and
iv) a fragment of at least 100 nucleotides of the nucleic acid molecule of i) wherein said fragment acts as an inducible promoter, whose expression is a) induced by SA and by BTH, b) is not systemically activated by pathogen infection, and c) exhibits minimal developmentally-regulated expression.

the method comprising ~~the steps of~~ applying a putative agent to ~~the~~ a sample comprising the promoter of claim 1 operatively linked to a gene, and measuring the expression level of the heterologous gene.

24. (cancelled)

25. (currently amended) A vector comprising the recombinant or isolated DNA molecule of claim [5] 31.

26. (previously presented) A host cell comprising the vector of claim 25.

27. (currently amended) [A] The host cell ~~according to~~ of claim 26, wherein said host cell is a plant cell or a microbial cell.

28. (previously presented) A transgenic plant comprising at least one cell according to claim 27.

29. (new) A recombinant or isolated DNA molecule comprising an inducible pathogenesis-related protein gene promoter wherein said promoter is chosen from the group consisting of:

- i) a nucleic acid molecule having SEQ ID NO:1 that naturally drives the expression of a 21.3 kDa protein in *Asparagus officinalis*,
- ii) a nucleic acid molecule having a sequence 90% identical to SEQ ID NO:1, wherein said molecule acts as an inducible promoter, whose expression is a) induced by salicylic acid (SA) and by BTH (benzo (1,2,3) thiadiazole-7-carbothoic acid S methyl ester), b) is not systemically activated by pathogen infection, and c) exhibits minimal developmentally-regulated expression;
- iii) a nucleic acid molecule that hybridizes under stringent conditions to any one of the promoter of i) or ii), wherein said molecule acts as an inducible promoter, whose expression is a) induced by SA and by BTH, b) is not systemically activated by pathogen infection, and c) exhibits minimal developmentally-regulated expression; and
- iv) a fragment of at least 100 nucleotides of the nucleic acid molecule of i) wherein said fragment acts as an inducible promoter, whose expression is a) induced by SA and by BTH, b) is not systematically activated by pathogen infection, and c) exhibits minimal developmentally-regulated expression.

30. (new) The nucleic acid molecule of claim 29, wherein said sequence is 95% identical to SEQ ID NO:1.

31. (new) The recombinant or isolated DNA of claim 29, wherein said DNA comprises at least the SA responsive element from -247 bp to -132 bp of SEQ ID NO:1.

32. (new) A recombinant or isolated DNA molecule comprising a chimeric promoter including at least a promoter of a gene not naturally under the control of the nucleic acid molecule of SEQ ID NO:1 and the SA responsive element of claim 32

33. (new) A recombinant or isolated DNA molecule comprising at least two promoter sequence of claim 29 arranged in series.

34. (new) The recombinant or isolated DNA molecule of claim 33 further comprising linker sequences between said promoter sequences.

35. (new) The recombinant or isolated DNA molecule of claim 33, wherein at least one of said promoters comprises at least the SA responsive element from -247 bp to -132 bp of SEQ ID NO:1.

36. (new) A recombinant or isolated DNA molecule comprising a promoter of claim 29, operably linked to a transactivator sequence and a second promoter sequence.

37. (new) The recombinant or isolated DNA molecule of claim 36, wherein said second promoter sequence is the target of said transactivator sequence.

38. (new) A recombinant or isolated DNA molecule comprising a promoter of claim 29 operably linked to a mRNA viral replicase system.

39. (new) The recombinant or isolated DNA molecule of claim 9 or 10, wherein said transactivator sequence is a mutated *E. coli lacI* gene fused to the transcriptional activator domain of the GAL4 from yeast (yielding LhG4 protein), and said second promoter sequence is a minimal 35S CaMV promoter with two binding sites for said LhG4 protein.